

MONDAY, DECEMBER 8, 1997

CERTIORARI -- SUMMARY DISPOSITION

96-8876 LINEHAN, DENNIS D. V. MINNESOTA, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgments are vacated and the case is remanded to the Supreme Court of Minnesota for further consideration in light of *Kansas v. Hendricks*, 521 U. S. _____ (1997).

97-309) AM BIBLE SOCIETY, ET AL. V. RICHIE, BOYD, ETC.

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97-314) AM COUNCIL ON GIFT ANNUITS. V. RICHIE, BOYD, ETC.

The petitions for writs of certiorari are granted. The judgment is vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of the Charitable Donation Antitrust Immunity Act of 1997, Pub. L. No. 105-26, 111 Stat. 241 (1997).

97-5901 HODGKISS, ROY L. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Bailey v. United States*, 516 U. S. 137 (1995).

ORDERS IN PENDING CASES

M-12 GARY ELDON ALVORD V. FLORIDA

The motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner is denied.

M-29 V. D. HATCH V. CHERYL BIGGERS MCKENZIE, ET AL.

The motion to direct the Clerk to file a petition for writ of certiorari out-of-time denied.

M-30 GABRIEL RENE GONZALEZ V. UNITED STATES

The motion to direct the Clerk to file a petition for writ of certiorari out-of-time under Rule 14.5 is denied.

96-1581 SOUTH DAKOTA V. YANKTON SIOUX TRIBE, ET AL.

The motion of respondent Yankton Sioux Tribe to strike supplemental brief of respondent Southern Missouri Waste Management District is granted.

96-1584 CAMPBELL, TERRY V. LOUISIANA

The motion of the parties to expand the record is granted.

96-8732 EDWARDS, VINCENT, ET AL. V. UNITED STATES

The motion for appointment of counsel is granted and it is ordered that Robert A. Handelsman, Esquire, of Chicago, Illinois, is appointed to serve as counsel for the petitioner Joseph Tidwell in this case. The motion for appointment of counsel is granted and it is ordered that Mark D. DeBofsky, Esquire, of Chicago, Illinois, is appointed to serve as counsel for the petitioner Reynolds Wintersmith in this case.

97-215 CALDERON, WARDEN V. THOMPSON, THOMAS

The motion for appointment of counsel is granted and it is ordered that Andrew S. Love, Esquire, of San Francisco, California, is appointed to serve as counsel for the respondent in this case.

CERTIORARI DENIED

96-1009 GOODHART, DAVID, ET AL. V. UNITED STATES
96-1346 PARADIES, DANIEL, ET AL. V. UNITED STATES
96-7960 MARMOLEJO, BRIGIDO V. UNITED STATES
96-9293 CROW, DOUGLAS MARTIN V. UNITED STATES
97-378 MAIER, PETER, ET AL. V. EPA, ET AL.
97-532 PACESETTER CONSTR. CO., INC. V. CARPENTERS 46 N. CA COUNTIES
97-537 LOPEZ, FRANCISCO V. RICCA-STROUD, GAY
97-582 BOSTON UNIV. TRUSTEES V. LINKAGE CORP.
97-597 NAVARRO, MARIA V. FUJI HEAVY INDUSTRIES, LTD.
97-601 FEC V. WILLIAMS, LARRY
97-604 TANIK, MURAT V. SOUTHERN METHODIST UNIV.
97-610 KRAMER, STEVEN V. NJ SUP. CT., ET AL.
97-611 GRAVES, TROY V. VESUVIUS USA
97-612 ANNE ARUNDEL CTY., MD V. ANDREWS, PARKER, ET AL.
97-615 TruSERV CORPORATION V. CALIFORNIA, EX REL. LUNGREN
97-620 SPENCER ESTATES, ET AL. V. HENNEFER, JAMES, ET AL.
97-621 OJAVAN INVESTORS, ET AL. V. CA COASTAL COMMN., ET AL.
97-622 BOGART, PETER, ET AL. V. CA COASTAL COMMISSION
97-623 DeKALB CTY. SCH. DIST. V. SCHRENKO, LINDA, ET AL.
97-628 MYERS, CYNTHIA, ETC. V. VENTURA COUNTY, CA, ET AL.
97-635 FORT SMITH RAILROAD CO. V. AM TRAIN DISPATCHERS, ETC.

97-640 AMERICAN CITIGAS CO. V. VORYS, SATER, SEYMOUR, PEASE
 97-645 PAYNE, R. E. vs. DEPT. OF JUSTICE, ET AL.
 97-666 PIERCE, WILLIAM G. V. DEPARTMENT OF LABOR
 97-672 BENJAMIN, JAMES V. AROOSTOOK MED. CTR., ET AL.
 97-675 BRADSHAW, BARRY V. UNITED STATES
 97-696 FAFARMAN, LAWRENCE V. EPA, ET AL.
 97-697 HARRINGTON, EUGENE, ET AL. V. HARRIS, WILLIAM, ET AL.
 97-712 MATHIS, DOROTHY, ETC. V. FAIRMAN, J. W., ET AL.
 97-760 ZWERLING, GUSTAV V. UNITED STATES
 97-771 SEA-FONE, LIMITED V. COMMUNICATIONS SATELLITE
 97-778 HILL, LEROY V. UNITED STATES
 97-5282) POLLEY, WILLIE J. V. UNITED STATES
)
 97-5338) DAVENPORT, KEVIN L. V. UNITED STATES
 97-5607 McMANUS, KELVIN D. V. UNITED STATES
 97-5610 BOSCHETTI, STEPHEN V. UNITED STATES
 97-5612 GONZALEZ, WILLIAM V. UNITED STATES
 97-5700 PASTOR-ALVAREZ, CARLOS V. UNITED STATES
 97-5752 TALLEY, ERIC J. V. HERMAN, SEC. OF LABOR
 97-5936 JENNINGS, DESMOND D. V. TEXAS
 97-6233 TUCKER, KARLA F. V. JOHNSON, DIR., TX DCJ
 97-6278 McKELLIP, J. W. V. SORRELL, ANDERSON, LEHRMAN
 97-6281 KOENIG, BRUCE W. V. MARYLAND, ET AL.
 97-6282 CHRISTOPHER, KEITH M. V. CIRCLE K CONVENIENCE STORES
 97-6285 BROWNING, HOWARD V. CENTINELA HOSPITAL MED. CTR.
 97-6288 SHARP, ARCHIE V. CALKINS, DANIEL, ET AL.
 97-6295 HOLT, JOHN L. V. CALIFORNIA
 97-6298 GORDON, CHARLES E. V. DETROIT PUBLIC SCHOOLS
 97-6299 GOODING, CARL V. CORBETT, ATT'Y GEN. OF PA

97-6301 FLOURNOY, RONALD V. BRANHAM, W., ET AL.

97-6303 HENLEY, WILLIE C. V. HANKS, SUPT., WABASH VALLEY

97-6304 GILBERT, MICHAEL A. V. MOTHERAL, JUDGE, ETC.

97-6306 ERDMAN, DENNIS G. V. GRAYSON, WARDEN

97-6311 CAIN, JOHN C. V. STEGALL, WARDEN, ET AL.

97-6315 SMITH, ELSIE, ET VIR V. ELLIOTT, GEORGE M

97-6317 THOMPSON, ROBERT G. V. JOHNSON, WARDEN

97-6318 WHITE, TIMOTHY E. V. FORTNER, SUPT., OKALOOSA

97-6322 NELSON, LEMOYNE V. PETERSON, JERRY, ET AL.

97-6324 EDWARDS, HARTWELL E. V. BREW, CHARLES

97-6327 DAVIS, ARTHUR D. V. NORRIS, DIR., AR DOC

97-6328 CALLOWAY, HOWARD E. V. ELO, WARDEN

97-6329 DUNKLEY, KEITH V. NEW YORK

97-6331 BUCKNER, JUNIOR V. V. TORO, W., ET AL.

97-6335 BECK, CHRISTOPHER V. VIRGINIA

97-6338 MOORE, LINDA V. HARRIMAN CITY SCHOOLS, ET AL

97-6339 MAYBERRY, MARVIN D. V. GABRY, GARY, ET AL.

97-6342 SPRING BROOK FIELD, COLORADO V. ORLANDO, FL

97-6398 KIRBY, JUNIOR M. V. BURTON, WARDEN, ET AL.

97-6424 SAMMONS, GARRY L. V. KANSAS

97-6429 DELOR, THOMAS V. ATX TELECOMMUNICATION

97-6433 TURNER, JOHN P. V. UNITED STATES

97-6434 TURNER, JOHN P. V. UNITED STATES

97-6464 BAKER, JAMES D. V. INDIANA

97-6489 DENISON, TYRONE D. V. DAUPHIN CTY. PRISON, ET AL.

97-6502 JOHNSON, MICHAEL O. V. UNITED STATES

97-6510 YOST, RICHARD R. V. HUFFMAN, WARDEN, ET AL.

97-6550 MAKOWSKI, ROBERT A. V. UNITED STATES

97-6554 ROMAN, CARMEN V. WASHINGTON, DIR. , IL DOC
97-6559 ARCH, GEORGE V. UNITED STATES
97-6574 ROBINSON, RONNIE V. UNITED STATES
97-6575 ROMERO, DONNA V. UNITED STATES
97-6583 STOKES, RAYMOND C. V. SCHNEIDER, DEBRA, ET AL.
97-6593 O' LEARY, JOHN V. UNITED STATES
97-6600 ORO-BARAHONA, SALVADORE V. UNITED STATES
97-6603 MYERS, GREGORY L. V. UNITED STATES
97-6605 QUINTANILLA, HENRY, ET AL. V. UNITED STATES
97-6606 CHESTER, HENRY V. UNITED STATES
97-6607 CONLEY, BETTY V. UNITED STATES
97-6608 CEDENO, RONNIE A. , ET AL. V. UNITED STATES
97-6609 BYRD, TERESA V. UNITED STATES
97-6611 ACUNA, CLAUDIO A. V. UNITED STATES
97-6615 McFATRIDGE, VERNON V. UNITED STATES
97-6617 RAMIREZ, JUAN C. V. UNITED STATES
97-6618 O' NEILL, BILLY M V. UNITED STATES
97-6619 ROBINSON, ALBERT V. ORANGE COUNTY, FL
97-6621 CALL, ANTHONY W. V. UNITED STATES
97-6622 CRAWFORD, MICHAEL W. V. UNITED STATES
97-6623 OLIVER, JEFFERY V. UNITED STATES
97-6624 PARRISH, RONALD J. V. UNITED STATES
97-6627 CORBIN, LEONARD V. UNITED STATES
97-6629 SMITH, FREDERICK J. V. UNITED STATES
97-6631 BARONE, PASQUALE G. V. UNITED STATES
97-6632 WHITLEY, WILLIE V. V. UNITED STATES
97-6637 WHYTE, EASTON A. V. UNITED STATES
97-6638 GRIDER, DONALD L. V. UNITED STATES

97-6639 GARNER, DEVYN V. UNITED STATES
97-6640 BROADWATER, RON C. V. UNITED STATES
97-6642 RODRIGUEZ-GUERRA, ARTURO V. UNITED STATES
97-6651 McDANIELS, PHILIP B. V. UNITED STATES
97-6652 LEE, DAVID V. UNITED STATES
97-6656 MORIN, JOSEPH R. V. UNITED STATES
97-6659 ALLEN, ROYAL D. V. UNITED STATES
97-6666 HOLLEY, LEON V. UNITED STATES
97-6668 FOLEY, ASHLEY R. V. UNITED STATES
97-6683 GALLARDO, GARRY V. HURLEY, WARDEN
97-6690 KNOX, SHANNON V. UNITED STATES

The petitions for writs of certiorari are denied.

97-375 STEINHORST, WALTER V. FLORIDA

The petition for a writ of certiorari is denied.

Justice Ginsburg took no part in the consideration or decision of this petition.

97-606 MIAMI UNIVERSITY V. MIAMI STUDENT

The motion of Ohio Public Universities for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

HABEAS CORPUS DENIED

97-6723 IN RE DARREL KING

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

97-6287 IN RE JOHN SNAVELY

The petition for a writ of mandamus is denied.

97-6283 IN RE NAN C. WEATTER

The petition for writ of mandamus and/or prohibition is denied.

PROHIBITION DENIED

97-6594 IN RE TONY E. RUTHERFORD

The petition for a writ of prohibition is denied.

REHEARINGS DENIED

96-8971 FABIAN, RICHARD V. DE RESTREPO, MARIA, ET AL.

96-9084 REITZ, GEORGE V. PENNSYLVANIA

96-9113 ARTEAGA, LORENZO V. USCA 9

96-9310 STROTHERS, PAULA V. UNITED STATES

96-9329 ARTEAGA, LORENZO V. CALIFORNIA

96-9334 COMER, BRYAN O' NEIL V. JOHNSON, DIR. , TX DCJ

97-5153 WEI, MAO-SHIUNG V. HACKETTSTOWN COM HOSP.

97-5170 WASHINGTON, RONALD W. V. BRUSSTAR, JOHN

97-5631 BROWN, SARAH W. V. KOENICK, LEONARD L. , ET AL.

97-5689 ARCHER, DONNA V. VALLEY HEALTH CARE CORP.

97-5832 FABIAN, RICHARD V. METRO. DADE CTY. , FL, ET AL.

97-6001 PEAKE, CARLOS E. V. ANGELONE, DIR. , VA DOC

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-1839 IN THE MATTER OF DISBARMENT OF JOSEPH ANTHONY SARANELLO

Joseph Anthony Saranello, of Houston, Texas, having been suspended from the practice of law in this Court by

order of September 29, 1997; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Joseph Anthony Saranello is disbarred from the practice of law in this Court.

D-1841 IN THE MATTER OF DISBARMENT OF THEODORE JOSEPH SEGAL

Theodore Joseph Segal, of Phoenix, Arizona, having been suspended from the practice of law in this Court by order of September 29, 1997; and a rule having been issued requiring him to show cause why he should not be disbarred;

It is ordered that Theodore Joseph Segal is disbarred from the practice of law in this Court.

D-1842 IN THE MATTER OF DISBARMENT OF HARRISON B. STEWARD, III

Harrison B. Steward, III, of Orlando, Florida, having been suspended from the practice of law in this Court by order of September 29, 1997; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Harrison B. Steward, III, is disbarred from the practice of law in this Court.

D-1845 IN THE MATTER OF DISBARMENT OF CHARLES KADISH

Charles Kadish, of Buffalo Grove, Illinois, having been suspended from the practice of law in this Court by order of September 29, 1997; and a rule having been issued and served upon him requiring him to show cause

why he should not be disbarred; and the time to file a response having expired;

It is ordered that Charles Kadish is disbarred from the practice of law in this Court.

D-1847 IN THE MATTER OF DISBARMENT OF ROBERT C. WOLHAR, JR.

Robert C. Wolhar, Jr., of Georgetown, Delaware, having been suspended from the practice of law in this Court by order of September 29, 1997; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Robert C. Wolhar, Jr., is disbarred from the practice of law in this Court.

D-1848 IN THE MATTER OF DISBARMENT OF ROBERT THOMAS GILLERAN

Robert Thomas Gilleran, of Los Angeles, California, having been suspended from the practice of law in this Court by order of September 29, 1997; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Robert Thomas Gilleran is disbarred from the practice of law in this Court.

D-1849 IN THE MATTER OF DISBARMENT OF NEAL YARBOROUGH PICKETT

Neal Yarborough Pickett, of Houston, Texas, having been suspended from the practice of law in this Court by order of September 29, 1997; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a

response having expired;

It is ordered that Neal Yarborough Pickett is
disbarred from the practice of law in this Court.

D-1850 IN THE MATTER OF DISBARMENT OF LYN H. MARCUS

Lyn H. Marcus, of Los Angeles, California, having
been suspended from the practice of law in this Court by
order of September 29, 1997; and a rule having been
issued and served upon him requiring him to show cause
why he should not be disbarred; and the time to file a
response having expired;

It is ordered that Lyn H. Marcus is disbarred from
the practice of law in this Court.

D-1880 IN THE MATTER OF DISBARMENT OF MICHAEL RICHARDS JOHNSON

Michael Richards Johnson, of Newark, Ohio, is
suspended from the practice of law in this Court and a
rule will issue, returnable within 40 days, requiring
him to show cause why he should not be disbarred from
the practice of law in this Court.

D-1881 IN THE MATTER OF DISBARMENT OF MICHAEL R. DICE

Michael R. Dice, of Denver, Colorado, is suspended
from the practice of law in this Court and a rule will
issue, returnable within 40 days, requiring him to show
cause why he should not be disbarred from the practice
of law in this Court.

D-1882 IN THE MATTER OF DISBARMENT OF JOHN F. PAPSIDERO

John F. Papsidero, of Buffalo, New York, is
suspended from the practice of law in this Court and a
rule will issue, returnable within 40 days, requiring

him to show cause why he should not be disbarred from the practice of law in this Court.

D-1883 IN THE MATTER OF DISBARMENT OF ROBERT G. FIERER

Robert G. Fierer, of Atlanta, Georgia, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1884 IN THE MATTER OF DISBARMENT OF JOHN DAVID JONES BLOODWORTH

John David Jones Bloodworth, of Suwanee, Georgia, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

RECESS ORDER

The Court will take a recess from Monday, December 15, 1997, until Monday, January 12, 1998.